

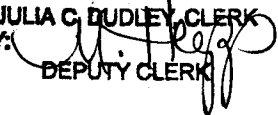
UNITED STATES DISTRICT COURT

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED

for the

Western District of Virginia

APR - 6 2015

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

United States of America)

v.)

RICO THADEUS SCALES)

Case No: 4:10CR00004-001

USM No: 14500-084

Date of Previous Judgment: 07/23/2010)

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: _____

Amended Offense Level: _____

Criminal History Category: _____

Criminal History Category: _____

Previous Guideline Range: _____ to _____ months

Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain): _____

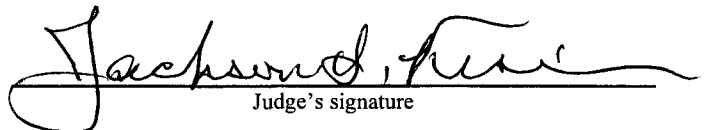
III. ADDITIONAL COMMENTS

Because Defendant was sentenced to the minimum period of incarceration permitted by statute, no further reduction is authorized. The change in the mandatory minimum sentence is not retroactive in Defendant's case. See 1 U.S.C. § 109 (2014); Dorsey v. United States, 132 S. Ct. 2321, 2331 (2012); United States v. Mouzone, 687 F.3d 207, 222 (4th Cir. 2012). Defendant's Motions to Reduce Sentence [ECF Nos. 53 & 54] are DENIED.

Except as provided above, all provisions of the judgment dated 07/23/2010 shall remain in effect.

IT IS SO ORDERED.

Order Date: 04/06/2015



Judge's signature

Effective Date: _____
(if different from order date)

Hon. Jackson L. Kiser, Senior U.S. District Judge

Printed name and title